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To: Microsoft ATR
Date: 1/4/02 6:31pm
Subject: Microsoft Settlement Public Comment

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May it please the court:

I am a systems professional and actually install, configure, maintain and support the products made by Microsoft and other software publishers. I work for a transit agency and am not a supporter of either side in this case (Microsoft or its rivals: Sun-AOL/Netscape-Oracle-Linux-Apple.) My mission is to keep real users working productively, to manage change and maximize my agency's investments in technology so as to give the taxpayers the best results for every dollar spent on computers and software. I have worked in help desk, LAN security and now Internet Administration for my agency. I have no personal interest in this case and am not affiliated with either camp (MS vs ABM, where ABM=Anyone But Microsoft.)

In short, I understand the delicate balance between software design and real-world usability. While those in the legal profession are increasingly knowledgeable about computer systems, there are some details that must seem capricious and arbitrary. Also, some of the arguments between Microsoft and those in the computer industry who oppose Microsoft have distorted some of the real facts about:

1. the relationship between the operating system and bundled applications
2. availability of API entry points and usage information in the operating system that can be used by programs

3. the benefit of providing internal source code from Microsoft's products

4. the use of monopoly power by Microsoft to stifle its competitors

Let me offer some observations about these four issues (I will keep it short, but will gladly provide additional information if asked by the court.)

1. It benefits the consumer when a free application is included. This should be encouraged and Microsoft should not be seen as predatory by bundling Internet Explorer, Messenger, Media Player, Movie Maker or any other software. However, Microsoft should make it easier for users to NOT use their software, or to change their minds. Creating software that is deliberately unstable to make a competitor look bad by making their applications fail is predatory and should be discouraged. These two aspects are connected: if they want to give you a free web browser, fine, but they should allow you to uninstall it, use another product and never sabotage a user's work to gain competitive advantage.

2. An Operating System must have clearly defined entry and exit points for all supported services: connectivity, fax, applications, chat, sound, video, interprocess communication and transparent error messages all rely on system calls and other API resources. To withhold any known API information is anti-competitive. If the systems division writes a "special" interface to optimize an application division program, that is anti-competitive. Any API information available to Microsoft's programmers should be documented publicly (and well!) to benefit the public.

3. Computers that crash can cause loss and even harm. Allowing programming errors (bugs) to remain, or withholding information about the underlying operating system idiosyncrasies from the general public should be penalized. Computers are increasingly used to maintain and monitor critical processes. Someday, even life support systems might rely on Windows internals for stability and correct processing. Opening the source code to all major components would allow peer review and improvement of the whole system.

4. Microsoft's business practices are consistent with American industry, however

because of the sheer power that one sole vendor possesses in this market, Microsoft's dictating terms to manufacturers (no discount means a manufacturer suffers a disadvantage that usually puts them out of business) is very bad for consumers. All licenses should be full licenses, no product should be abandoned so Microsoft can sell a newer version. There should be Home and Professional versions, and all Home licenses should be very cheaply (<\$20) upgradeable to the current version. Professional versions should be about \$50 to upgrade to the current version. Microsoft should not place limitations, stipulations or other coercive mechanisms to force users to buy a new version. If Microsoft is making a free version of an application available to users of the latest OS version, there should also be a comparable program for older systems at the same cost.

Proposed Remedy:

The present monopoly can only be remedied by having two companies like Microsoft. One for home, one for business.

Microsoft Home: Windows XP Home, MSN, MSNBC, Microsoft games, The Zone, Works, Money, Educational and Entertainment software. Also all hardware mice, game devices, keyboard, etc.

Microsoft Business Windows XP Pro, XP Server, Advanced Server, IIS, SQL, Languages, Office Applications (Word, Excel, Powerpoint, Access, Publisher), embedded applications, handheld PCs.

Both companies should offer a one-time upgrade to any user surrendering a Windows license, users must provide name and address and perform some product activation to connect the upgrade to the user. The license should be transferable to new systems owned by the same user. The upgrades should cover the costs to Microsoft but not become a profit center. This remedies the millions of Americans who paid for a working operating system and are still waiting.

Both companies would have to specify and coordinate the future of Windows API and services, this information would be public to encourage competitors to Windows. If ever Windows fell to less than 50 percent of market share of new computer sales, this provision would be removed for every subsequent year that Windows constituted less than 50 percent of the market for operating systems.

Both companies would be enjoined from and penalized for anti-competitive behavior, including limiting user rights to compare and publicize any Microsoft product, manipulating manufacturers' rights to install or not install any software, and to sell systems with no operating system at all if they choose.

Also, Microsoft must refrain from blatantly lying about competitors as they recently did to Novell. "Fear, Uncertainty and Doubt" are bad for the consumer, bad for the marketplace and ultimately bad for America.

All Operating System API's, including handling of multimedia, files, data and/or network connections must be publicly documented. Sufficient penalty should exist to insure conformance. No Microsoft product should be designed to fail if not used with Microsoft products or products from Microsoft's business partners, present or future. In other words, all programs should have an equal chance of operating properly, and deliberate interference with programs or connections not provided by Microsoft or its partners should constitute a punishable offense.

In summary, let me say that while the law may seem to make this a case between Microsoft and the Department of Justice, it must be remembered that the whole purpose of antimonopoly law is to protect the consumer and the American

marketplace. Any solution that leaves Microsoft richer for its use of manipulative licensing, unscrupulous practices, outright rigging of product comparisons or other blatant falsehoods to prevent marketplace competition is unacceptable. Microsoft charged home users to buy Windows 3.0, then again for 3.1, then again for 95 and 98 and 98 SE, then again for ME. I paid for "Windows" six times (eight if you consider that I also bought Windows 386 and Windows for Workgroups.) I paid each time like I was buying a perfected product but never got an OS that did not crash. This is like buying a TV that does not work, waiting for a fix and being told you have to pay for the SAME TV all over again... six, seven, eight times!

Business users have also been taken to the cleaners by Microsoft's marketing muscles. I am sure others have noted that Microsoft's EULA promises nothing from Microsoft other than media that is readable, yet requires you to give up all kinds of unrelated rights (like the stipulation that you can not use Windows to compile a list of Windows bugs, mistakes, criticisms of the product or performance comparisons!)

Thank you for this opportunity to offer my opinion,

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